BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON, CHAIRMAN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

IN THE MATTER OF THE COMPLAINT OF BUREAU OF INDIAN AFFAIRS, UNITED STATES OF AMERICA, AGAINST MOHAVE ELECTRIC COOPERATIVE, INC. AS TO SERVICES TO THE HAVASUPAI AND HUALAPAI INDIAN RESERVATIONS.	DOCKET NO. E-01750A-05-0579 **MOHAVE ELECTRIC COOPERATIVE, INC.'S NOTICE OF LATE FILING EXHIBITS**

It has been brought to Mohave Electric Cooperative, Inc.'s ("Mohave"), attention that some of the exhibits referenced in its March 27, 2007 Response to BIA's Motion for Summary Judgment, including its Statement of Disputed Facts and additional material in support thereof may have been omitted from the original filing. Mohave, therefore, by and through its undersigned legal counsel, submits copies of the following exhibits:

MEC SOF Exh 28 - October 16, 2002 e-mail.

MEC SOF Exh 43 – July 23, 1981 Memo enclosing Hualapai Resolution 42-81 requesting BIA to coordinate the installation of service to Fraizer Wells, Youth Camp District 3 and Thorton Tower; November 23, 1981 Memo; August 4 and 25, 1982 correspondence regarding the BIA directing those seeking service from the BIA to contact Mohave to make arrangement for service and August 11, 1983 correspondence providing BIA requested service agreement.

MEC SOF Exh 44 – May 8, 1984 and October 29, 1985 correspondence from Mohave to BIA regarding BIA waiving all or a portion of the KVA credit for some of the earliest connections.

MEC SOF Exh 46 – March 6, 2002 letter from BIA to Mohave attempting to unilaterally modify the expired Contract some ten years later.

MEC SOF Exh 47 - March 20, 2002 letter from Mohave to BIA advising that a contract does not exist and that the old Contract expired in 1992.

MEC SOF Exh 49 – Relevant portions of the Final Administrative Draft Environmental Assessment.

MEC SOF Exh 51 – E-mail correspondence evaluating the forming a Tribal Utility with the Hualapai Tribe or some other entity. See also MEC SOF Exh 22.

Mohave emphasizes that the BIA, not Mohave, must establish that no issue of material fact exists and that the BIA is entitled to judgment as a matter of law. The quantum of material presented by Mohave was limited to demonstrating that reasonable persons may agree with Mohave. Additional evidence is available and/or is being developed to present at hearing in this matter.

RESPECTFULLY SUBMITTED this 27th day of April, 2007.

CURTIS, GOODWIN, SULLIVAN,
UDALL & SCHWAB, P.L.C.

By: _____

Michael A. Curtis
William P. Sullivan
Larry K. Udall
501 East Thomas Road
Phoenix, Arizona 85012-3205
Attorneys for Mohave Electric
Cooperative, Inc.

PROOF OF AND CERTIFICATE OF MAILING

I hereby certify that on this 12th day of April, 2007, I caused the foregoing document to be served on the Arizona Corporation Commission by delivering the original and thirteen (13) copies of the above to:

Docket Control Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Copies of the foregoing hand delivered/mailed this 12th day of April, 2007 to:

Teena Wolfe, Esq.
Administrative Law Judge, Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Christopher Kempley, Chief Counsel
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Ernest Johnson
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Paul K. Charlton
Mark J. Wenker
U.S. Attorney's Office
40 North Central, Suite 1200
Phoenix, Arizona 85004-4408
Attorney for the BIA

Mary Walker

1234\-7-19-1 BIA\Pleadings\Notice of Filing - Late Exhibits.doc

MEC SOF Exh 28

PM

☐ Return receipt

----- Forwarded by Robert McNichols/PHOENIX/BIA/DOI on 10/16/2002 04:15 PM -----

Ralph Esquerra
10/16/2002 03:58 PM

To: Robert McNichols/PHOENIX/BIA/DOI@BIA
cc: James C Walker/PHOENIX/BIA/DOI@BIA, James E Williams/PHOENIX/BIA/DOI@BIA
Subject: Re: Utility Company

☐ Return receipt

At this point in time I can't say with certainty it would work for me. My immediate reaction is that it sounds good conceptually and it should be explored further. Three questions I can think of now: How would this be addressed in the green book since most of the O&M annual funds required for the utility are now requested and allocated under the facility program codes 37400, 37500 and 10000? Doesn't the 57000 account apply only to miscellaneous permanent appropriations associated with Indian irrigation projects funds collected from power consumers? What portion of the green book would address the utility's construction needs such as capital projects for major improvements and repairs?

Robert McNichols

Robert McNichols
10/16/02 03:02 PM

To: Ralph Esquerra/PHOENIX/BIA/DOI@BIA
cc: James C Walker/PHOENIX/BIA/DOI@BIA, James E Williams/PHOENIX/BIA/DOI@BIA
Subject: Utility Company

☐ Return receipt

Ralph: Does this work for you? Has Dan talked to you about it? Bob

----- Forwarded by Robert McNichols/PHOENIX/BIA/DOI on 10/16/2002 03:11 PM -----

James E Williams
10/16/2002 12:00 PM

To: Robert McNichols/PHOENIX/BIA/DOI@BIA
cc:
Subject: Utility Company

☐ Return receipt

Bob

I have been talking to Dan Gambill about setting up our Electric Company as a Business Utility, similar to the Colorado River Agency Electric program. Our program would be recognized in the Green Book. There are advantages to having the Electric Program as a Power System with a "52000" program code versus a Reimbursement "96410" program code.

I am not sure how to proceed, but am needing some guidance. Thanks JIM

Robert McNichols

03/21/2003 02:38 PM

To: Wayne Nordwall/PHOENIX/BIA/DOI@BIA
cc: Barry Welch/PHOENIX/BIA/DOI@BIA, Ralph Esquerra/PHOENIX/BIA/DOI@BIA, (bcc: James C Walker/PHOENIX/BIA/DOI)
Subject: Anticipated Over Obligation of Funds - Havasupai Electric

☐ Return receipt

Wayne: I think you are aware, but want to make sure. We anticipate **at least a $150,000 over-obligation** of Facilities funds in order to keep Havasupai electric going until October. This shortage is the same as last year, based on the $75,000 from OFMC and $75,000 from Education that we have received in the past to supplement this. We have not received any indication that we will receive anything from either. To avoid overspending, we will need to disconnect Supai on or about May 1, 2003. Let me know how you want us to proceed. Thank you. Bob

-->>-->>-->>-->>-->>--> -- <<--<<--<<--<<--<<--<<--

ROBERT R. McNICHOLS, Superintendent
Bureau of Indian Affairs, Truxton Canon Agency
P. O. Box 37 (Shipping: 13067 E. Highway 66)
Valentine, AZ 86437

Phone: (928) 769-3302
Fax: (928) 769-2444

MEC SOF Exh 43

UNITED STATES GOVERNMENT

memorandum

Trib
2. RPm

DATE: July 23, 1981

REPLY TO ATTN OF: Acting Superintendent, Truxton Canon Agency

SUBJECT: Hualapai Tribal Resolution No. 42-81

TO: Area Director, Phoenix Area Office
Attention: Tribal Operations

Attached are copies of a tribal enactment adopted by the Hualapai Tribal Council.

The Tribe is requesting that the contractor provide transformers and spur lines on the power line that is being constructed on the Hualapai Reservation going to Long Mesa Station.

Attachments

RECEIVED

JUL 24 1981

TRIBAL OPERATIONS

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114
☆ U. S. GPO: 1980—311-153/5526

HUALAPAI TRIBAL COUNCIL

RESOLUTION NO. 42-81
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION
(A FEDERALLY CHARTERED INDIAN CORPORATION)
PEACH SPRINGS, ARIZONA

WHEREAS, The Mohave Electric Cooperative is constructing a powerline across a portion of the Hualapai Reservation, and;

WHEREAS, electric service is needed at various points on the Hualapai Reservation which the powerline could provide, and;

WHEREAS, it would be more economical to provide transformers and spur lines as the powerline is being constructed, and;

WHEREAS, the construction costs may be included in the construction contract already in effect.

WHEREAS, the Hualapai Tribal Council has prioritized certain locations to receive electric service:

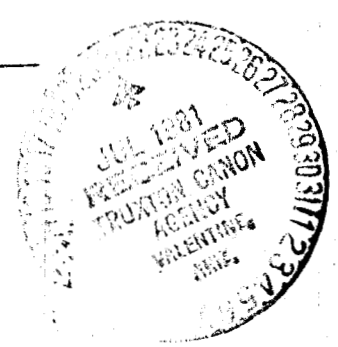
1. Fraziers Well
2. Youth Camp
3. District 3
4. Thorton Tower

NOW THEREFORE BE IT RESOLVED, that the Hualapai Tribal Council hereby requests the BIA Truxton Canon Agency to coordinate the installation of transformers and spur lines with Mohave Electric Cooperative at locations described and shown on the attached.

C E R T I F I C A T I O N

I, the undersigned, as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 9 constituting a quorum were present at a meeting thereof held on this 11th day of July, 1981; and that the foregoing resolution was duly adopted by the affirmative vote of 9 members, pursuant to authority of Article VI, Section 1 (a) & (b) of the Revised Constitution and By-Laws of the Hualapai Tribe approved October 22, 1955.

Delbert Havatone
Delbert Havatone, Chairman
HUALAPAI TRIBE



ATTEST:

Marietta F. Whatsoniame
Marietta F. Whatsoniame, Secretary
HUALAPAI TRIBE

SURNAME
McConnell

November 23, 1981

Assistant
Phoenix Area Director

Utility line spur connections.

Acting Superintendent, Truxton Canon

The spur line connections requested by the Hualapai tribe should be directed to the Mohave Electric Cooperative. The Cooperative will then study the request and determine whether they can furnish the line for the amount of income they will derive from the electric consumption.

The Bureau has no money to help out with these projects at the present time.

/Sgd/ Curtis Geiogamah

McConnell:kb

McConnell
Stein
Gardiner
Herrington
Miller
Cooper
Braun
Huck
Goldsmith
Invocato
Clah
Kenimer

Realty
(602) 769-2281

AUG 4 1982

Mr. Al Carpenter, General Manager
Mohave Electric Cooperative
1919 Arena Drive
Holiday Shores, Arizona

Dear Mr. Carpenter:

This letter is to confirm what we discussed in my office on 07/30/82. The Hualapai Tribe has requested us to assist them in getting electric service to the Hualapai Youth Camp and the facilities at Thornton Fire Tower. Since many of the Buildings at Thornton are maintained by the Bureau of Indian Affairs the electric service will be of mutual benefit to us.

Enclosed is a copy of Hualapai Tribal Resolution No. 42-81 authorizing the Bureau of Indian Affairs to grant the right-of-way. This resolution expresses the Tribes desire for, and approval of, the easement.

Also Enclosed is a draft copy of an "Application for Easement" which you can use as a guide in applying for the right-of-way. If the contents of the draft are agreeable to you it can be used as the final application you submit. At any rate the paragraphs (a) through (k) must be included in the application as required by 25 CFR 161.5. The application when approved will be your permission to survey.

As soon as your crew flags out a centerline on the proposed line we will use our men and equipment to clear the line of trees and brush. When you flag the line location we would like to have one of our employees go along to be sure we know where the line is to go. After the line is cleared you can do the survey.

We would like to get an estimate of the front money that will be required for deposits and hook ups at each location. This will help us in our budgeting process for next year. Also if you can give us an idea of the length of time that the deposits are held it would be helpful to us.

We appreciate your help in initiating this project. If we can be of any assistance don't hesitate to call.

Sincerely,

/s/ Allen J. Anspach

Acting Superintendent

Realty
(602) 769-2281

AUG 2 5 1982

Mr. A. H. Carpenter, General Manager
Mohave Electric Cooperative, Inc.
P. O. Box 1045
Bullhead City, Arizona 86430

Dear Mr. Carpenter:

Enclosed are three requests for service line agreements for electric service on BIA Route # 18. The Hualapai Tribe has ppproved the requests in resolution # 49-82 (copy enclosed). If the agreements are satisfactory to you sign them and return two copies of each to us. When we get the signed forms back we will have the individuals contact you for the deposits and rates.

If you have any questions please call Donna Nightpipe at 769-2281.

Sincerely,

/s/ Clarence J. Packard, Jr.

Acting Superintendent

Enclosures

RRMcNichols:ws
Chrono 08/18/82
FILE: Realty

MOHAVE ELECTRIC COOPERATIVE, INC.

August 11, 1983

Bureau of Indian Affairs
P. O. Box 37
Valentine, Arizona 86437

Dear Mr. Hanson:

As you have requested, we have prepared two (2) agreements for purchase of power. One for the B.I.A. Fire Tower and one for the Hualapai Indian Tribe. Please find two (2) copies of each. Sign one of each and send the signed copies back to Mohave Electric Cooperative, Inc. Please keep one copy of each for your files.

If you have any further questions, please contact me.

Yours very truly,

Mohave Electric Cooperative, Ind.

Bob Rogge

Bob Rogge
Manager of Operations

BR:dmc

encl.

MEC SOF Exh 44

Facsimile

MOHAVE ELECTRIC COOPERATIVE, INC.

May 8, 1984

McConnell
Stein
Gardiner
Herrington
Miller
Cooper
Braun
Cuellar
Goldsmith
Invocato
Clah
Walsh

U. S. Department of Interior
Bureau of Indian Affairs
P. O. Box 7007
Phoenix, Arizona 85011

Attention: Gurtis Gueigamah

Dear Sir:

The Mohave Electric Cooperative, Inc., metering at Long Mesa has been checked and the wiring and multiplier were found to be correct and accurate.

An MEC employee went into Supai with a Mr. Bucky Jerome and found several buildings not being metered and also some inaccurate meters. Mr. Jerome has a report on this that should explain the difference between our meter readings and yours.

There have been three (3) services added to the line to Supai, one 10 KVA to Clay Bravo, 22.5 KVA KVA 3Ø to the Hualapai tribe pump at Frazier's well and 15 KVA to the BIA at Thornton Tower. This is a total of 47.5 KVA serving either your own agency or an Indian related installation.

If you do not wish to waiver the $50.00 KVA charge we will credit the facilities charge next month with $2,375.00.

Hoping this clears up your questions on this problem.

Yours very truly,

Mohave Electric Cooperative, Inc.

A. H. Carpenter

A. H. Carpenter
General Manager

AHC:dmc

P.O. Box 1045 Bullhead City, Arizona 86430-1045 763-4115

MOHAVE ELECTRIC COOPERATIVE, INC.

October 29, 1985

MR. C. L. Henson, Supt.
Truxton Canyon Agency
Valentine, AZ 86437

Dear Mr. Henson,

In regard to our discussion concerning credits toward the Supai power line, I have calculated the credits as shown on the enclosed bill.

BROVO Residence	10 KVA	$ 500.00
FIRE Tower	15 KVA	750.00
PICA Ranch	10 KVA	500.00
		$1,750.00

These are the only taps besides Frazier's wells which was waived.

Yours truly,

MOHAVE ELECTRIC COOPERATIVE, INC.

A. H. Carpenter
General Manager

AHC/kh

P.O. Box 1045 Bullhead City, Arizona 86430-1045 763-4115

MEC SOF Exh 46

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WESTERN REGIONAL OFFICE
P.O. BOX 10
PHOENIX, ARIZONA 85001

IN REPLY
REFER TO:
Branch of Acquisition and
Federal Assistance, MS-210
602/379-6760

March 6, 2002

CERTIFIED MAIL NO. 7000 1530 0000 1277 3949
RETURN RECEIPT REQUESTED

Mr. Robert Broz, General Manager
Mohave Electric Cooperative, Inc.
P.O. Box 1045
Bullhead City, Arizona 86430

Dear Mr. Broz:

Reference GSA Contract No. GS-00S-67021, Negotiated Electric Utility Contract (the Contract) between Mohave Electric Cooperative, Inc. (MEC) and the Bureau of Indian Affairs (the Government).

In accordance with the Contract, the Government exercises its option to extend the contract for a ten year period from April 1, 2002 through March 31, 2012.

The Government's exercise of its option as described above does not constitute a waiver, and the Government expressly reserves, any potential claims the Government may have concerning MEC's past and future billings and the Government's past and future payments under the Contract. Some of these potential claims were noted in the Inspector General's Audit Report No. 95-E-1045, "Review of Mohave Electric Cooperative, Inc., Calendar Year 1994 Charges Under Bureau of Indian Affairs Contract No. GS-00S-67021" (June 1995), previously provided to MEC.

The Government's understanding of the status of some of the component parts of charges and payments under the Contract are as follows:

1. Subsequent to the original making of the Contract, as of 1991, the Government paid in full to MEC the cost of the construction of the facilities built to deliver power from MEC to the Government at the line side of the Long Mesa Transformer. Accordingly, the Contract was amended through the above described conduct of MEC and the Government to delete the charge contained in the contract at Addendum No. 1, p. 6, paragraph "FACILITIES CHARGES," subparagraph "(1)".

2. No payment is owed by the Government to MEC for the charge described in the Contract at addendum No. 1, p. 6, paragraph "FACILITIES CHARGES," subparagraph "(2)" until MEC provides the Government with properly supported invoice documenting those charges.

3. No payment is owed by the Government to MEC for the charge described in the Contract at Addendum No. 1, p. 6, paragraph "FACILITIES CHARGES," subparagraph "(3)" until MEC provides

OPTIONAL FORM 99 (7-90)
FAX TRANSMITTAL | # of pages ▶ 5
To Nan Jackson | From
Dept./Agency | Phone #

the Government with properly supported invoices documenting those charges.

Pursuant to paragraph 2 of the Contract, MEC's point of delivery to the Government is the line side of the Long Mesa Transformer. The Government has been advised and thus suspects that MEC moved the metering device from the line side of the Long Mesa Transformer to MEC's Nelson substation. If this suspicion is substantiated, the Government objects to MEC's unilateral change in the point of metering and billing from the Nelson substation and submits that MEC is required to meter and bill the Government's use at the line side of the Long Mesa Transformer as required by the Contract.

The Government has been advised and thus suspects that MEC serves, in addition to the Government, approximately fourteen additional customers located between the Nelson substation and the line side of the Long Mesa Transformer. The Government has been advised and thus suspects that MEC deducts from the Government's monthly bill what MEC unilaterally calculates as being the electrical usage for these other fourteen MEC customers. If the Government's suspicions described are correct, the Government suspects that MEC may have charged in the past and may be now charging the Government: costs of power losses that occur in the seventy mile electrical line; costs of power losses that occur in service lines that deliver power to MEC's other fourteen customers between MEC's Nelson substation and Long Mesa; costs of any un-metered power such as jumped meters, etc. The Government expects MEC to address, under the terms of the Contract and to the Government's satisfaction, these and other issues that have arisen or that may arise during the term of the exercised option to the Contract.

The Government requests MEC to provide the Government, within thirty (30) calendar days of the date of this letter, a written explanation of MEC's monthly charges to the Government with reference to MEC's rate schedule approved by the Arizona Corporation Commission. A full explanation of how MEC calculated its charges to the Government for the most recent month is requested with particular attention to the monthly service charge; the monthly demand charge per KW; and the energy charge per KWH.

If additional information or assistance is needed, please contact this office at (602) 379-6760.

Sincerely,

(Sgd) Lloyd M. Brewer

Contracting Officer

Enclosure

cc: WRO, Regional Director
Supt., Truxton Canon Field Office
Facilities Management, Attn: Ralph Esquerra
Field Solicitor's Office, Attn: Daniel L. Jackson
Augustine Hanna, Havasupai Tribal Chairman
Daniel C. Shiel, Rothstein, Donatelli, Hughes, Dahlstrom, Schoenburg & Enfield, LLP
Louise Benson, Hualapai Tribal Chairperson

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE	PAGE OF PAGES
	1 | 1

2. AMENDMENT/MODIFICAITON NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicble)
1	04/01/02		

6. ISSUED BY CODE	7. ADMINISTERED BY (If other than Item 6) CODE
Bureau of Indian Affairs - Western Regional Office Acquistion & Federal Assistance 400 N. 5th Street, Phoenix, Az 85004 P.O. Box 10, Phoenix, Az 85001	Renee Holly, Contract Specialist Phone: 602.379.3822 FAX: 602.379.6763

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)	(X)	9A. AMENDMENT OF SOLICIATION NO.
Mohave Electric Cooperative, Inc. P.O. Box 1045 Bullhead City, Arizona 86430		9B. DATED (SEE ITEM 11)
	X	10A. MODIFICATION OF CONTRACT/ORDER NO. GS-OOS-67021
		10B. DATED (SEE ITEM 11) 04/01/82
CODE FACILITY CODE		

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPIRATION DATA (If required)

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	
	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
X	D. OTHER (Specify type of modification and authority) Unilateral Modification IAW Contract Terms and Conditions

E. IMPORTANT: Contractor ☒ is not, ☐ is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

Electric Utility Contract to Provide Electric Energy for the Operation of Government Facilities Located at Hualapai and Havasupai Indian Reservations, Arizona.

This modification is issued to exercise the Governments option to extend the contract performance period an additional 10 years in accordance with the Contract Terms and Conditions.

Performance Period - FROM: April 1, 2002 THROUGH: March 31, 2012

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
		Lloyd M. Brewer, Contracting Officer	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA Lloyd M Brewer (Signature of Contracting Officer)	16C. DATE SIGNED 3-5-02

NSN 7540-01-152-8070
Previous edition unusable

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA FAR (48 CFR) 53.243

MEC SOF Exh 47

Law Offices
MARTINEZ & CURTIS, P.C.
Michael A. Curtis
Jay M. Martinez (1943-2000)
William P. Sullivan
Susan D. Goodwin
Larry K. Udall
Anja K. Wendel
Paul R. Michaud
Kelly Y. Schwab
Phyllis L. New

2712 North Seventh Street
PHOENIX, ARIZONA 85006-1090
Telephone (602) 248-0372
Telecopier (602) 266-8290

OF COUNSEL
Joseph F. Abate
Thomas Hine
G. Eugene Nail
Jeffrey A. Katz
Richard S. Allemann

REFER TO FILE NO. 1234
1234-7-19

March 20, 2002

Mr. Lloyd Brewer, Contracting Officer
U.S. Department of Interior
Bureau of Indian Affairs
Western Regional Office
Post Office Box 10
Phoenix, Arizona 85001

Re: Your Letter of March 6, 2002

Dear Mr. Brewer:

Your letter to Mohave Electric Cooperative has been referred to our offices as General Counsel for the Cooperative. You letter refers to GSA Contract No. G8-00S-67021, Negotiated Electric Utility Contract between Mohave Electric Cooperative, Inc. and the Bureau of Indian Affairs, and requests that this specific Contract be extended through 2012. Unfortunately, that Contract expired of its own terms in 1992 when the Bureau of Indian Affairs did not seek an extension of the Contract. It no longer exists. Therefore, that Contract (no longer being in existence) is not in effect, and cannot be extended as requested.

At the present time, Mohave advises the BIA has been and is being served electric service at the Nelson Substation by Mohave under a month-to-month contract at sufferance pursuant to a rate approved by the Arizona Corporation Commission which service Mohave chose to implement at the time that the aforementioned Contract terminated in 1992. If BIA wishes to negotiate a formal written Electric Service contract to replace the contract at sufferance, Mohave would be willing to do so only through settlement negotiations connected with litigation now pending between the parties.

If you should have any questions or need any more information, since this account and service are in litigation please contact the following:

Thomas A. Hine, 2712 N. 7th St, Phoenix, Az 85006-1090 (602)870-1828.
Michael A. Curtis, 2712 N. 7th St, Phoenix, Az 85006-1090 (602)248-0372

With Copies to:

Robert Broz, Chief Executive Officer, Mohave Electric Cooperative, Inc.

Very truly yours,

Thomas A. Hine

Michael A. Curtis
Thomas A. Hine
For the Firm

cc: Robert Broz, MEC
Lane Tucker, Esq., Department of Justice

MEC SOF Exh 49

FINDING OF NO SIGNIFICANT IMPACT
for
HAVASUPAI BAR FOUR COMMUNITY PROJECT
HAVASUPAI INDIAN RESERVATION
COCONINO COUNTY, ARIZONA
JANUARY 2005

BIA ROAD CONSTRUCTION PROJECT No.:
HAIR CONSOLIDATED No. 1

The Bureau of Indian Affairs (BIA), Truxton Canon Agency, proposes to participate with the Bureau of Reclamation (BOR), Indian Health Services (IHS), and Housing and Urban Development (HUD) in the planning, design, and construction of the Bar Four Community Development Project on the Havasupai Indian Reservation, Coconino County, Arizona. Actions before the BIA in relation to the proposed project are granting of road rights-of -way, granting of permits for utilities, and expenditure of Federal Highway Trust Funds.

BACKGROUND

The Havasupai Reservation is located in the canyon lands and surrounding the mesas south of the Grand Canyon in Coconino County, Arizona. The village of Supai is located on the Reservation within Cataract Canyon. The village is only accessible by an 8.5 mile pedestrian and equestrian trail and helicopter service. The only housing on the Reservation is located in Supai. There are currently 667 registered Tribal members, most of who live on the Reservation. By 1979 the village had reached its capacity of adding additional housing. The Tribe has been planning for development of Bar Four since the mid-1980s.

ALTERNATIVES CONSIDERED

The Recommended (preferred) Alternative and the No Action Alternative were the only alternatives considered in detail. Alternatives considered but eliminated from further consideration included further development of the village in Cataract Canyon and adding additional land to the reservation. The Hualapai Hilltop and Bar Four Havasupai Master Plan (Sverdrup 1991) however, established the Bar Four area as the sole currently accessible location for additional development of the Reservation.

THE RECOMMENDED ALTERNATIVE

The Havasupai Tribe (Tribe) is proposing to construct a community in the Bar Four area of the Havasupai Reservation (Reservation) in northern Arizona. The proposed action includes the

phased construction of a residential area with up to 120 residential units including senior housing, duplexes and quads, community facilities, park, community center, medical services, and open space, for up to 330 Tribal members when completed. The implementation of economic development would include a tourist complex along IR 18, which would contain an RV park, a lodge, restaurant, model village, and an interpretive trail. A service complex would be constructed across IR 18 and include a water tank, solid waste transfer station , corrals and stable, maintenance shed, repair facilities, gas station/convenience store, mini-storage, and heliport. The reconfiguration of existing facilities on Hualapai Hilltop would include corral, reconfigured and resurfaced parking, entry station, lighting, waiting station, view station, interpretive signs, self-composting toilets, reconfigured heliport, and a water tank. The current water tank and buildings would be removed. A campsite terminal would be constructed between the tourist complex and Hualapai Hilltop at a site previously used as a waste transfer station. This would include a parking lot, waiting station, self-composting toilets, 20-site primitive campground, five water stand pipes, and a water tank. An emergency services site would be constructed between IR 18 and the residential area. This site would potentially contain police and fire services. Also included in the proposed action is related supporting infrastructure construction including a water delivery system, wastewater system, roads, electrical service, a telephone system, and emergency services.

ENVIRONMENTAL IMPACTS

The Final Environmental Assessment (EA) analyzed the following issue areas: geology/soils (p. 3-6), water resources (p. 3-9), air quality (p. 3-11), vegetation (p. 3-13), wildlife (p. 3-17), special status species (p. 3-23), cultural resources (p. 3-29), Indian trust assets (p. 3-31), land use (p. 3-33), recreation (p. 3-35), hazardous and solid wastes (p. 3-38), visual resources, socioeconomic (p. 3-42), and environmental justice (p. 3-51).

The BIA, which was responsible for Section 7 consultation under the Endangered Species Act, conducted informal consultation with the U.S. Fish and Wildlife Service (USFWS) and received concurrence on February 19, 2002, with a determination that the project would have no effect on listed species or critical habitats. USFWS reaffirmed this determination on December 4, 2003.

The BOR contracted cultural resources surveys for the project area conducted in October 2001, March 2002, and June 2003. Several archaeological sites and isolated occurrences were located and previously discovered sites from surveys conducted in 1977, 1994, and 1997 were relocated. The proposed action avoids all archaeological sites (p. 3-30). Reclamation submitted a letter to the Arizona State Historic Preservation Officer (SHPO) on November 5, 2003, in fulfillment of the Section 106 compliance process requesting concurrence with determinations on National Register of Historic Places eligibility and finding of no adverse effect on historic properties. The SHPO concurred in a letter dated December 10, 2003 (see attached). A mitigation commitment for archaeological resources will be required should any resource be discovered during construction.

Through the preparation of an Environmental Assessment (BOR EA No. 01-LC-020) with BOR as the lead agency and BIA as a Cooperator, and based on a thorough review of the comments received and analysis of the environmental impacts presented in the attached Final Environmental Assessment, the BIA concludes that implementation of the proposed actions will not significantly affect the quality of the human environment within the project area. The project will improve the socioeconomic conditions of the Havasupai Tribe and improve their quality of life (p. 3-42).

Based on the attached final Environmental Assessment, document No. BOR EA No. 01-LC-20, it has been determined that the proposed road construction project, HAIR Consolidated No. 1, (Recommended Alternative), including expenditure of Highway Trust Funds, granting/acquisition of road rights-of-way, granting of utility rights-of-way or easements, or any other BIA actions associated with the BAR Four development that were expressly addressed in the attached EA, would have no adverse impact on the quality of the Human Environment. In accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, an environmental impact statement will not be required.

Robert Begay — January 3, 2005

Robert Begay, Environmental Coordinator
Truxton Canon Agency

Date

Robert McNichols — January 7, 2005

Robert McNichols, Superintendent
Truxton Canon Agency

Date

Arizona State Parks

"Managing and conserving natural, cultural, and recreational resources"

MR OFFICIAL OFFICE COPY
RECEIVED 12/15/03
SUFFIX DATE
No Historic Effect

DATE	INITIALS	CODE
12.18	L	2000
12/19	gw	2600
		2631
CLASSIFICATION		
PROJECT		
CONTROL NO		
FOLDER I.D.		
KEYWORD		

December 10, 2003

Deanna J. Miller, Director
Bureau of Reclamation
Lower Colorado Regional Office, Resources Management
P. O. Box 61470
Boulder City, NV 89006-1470

Attention: Laureen Perry, Archaeologist

Re: Havasupai Bar Project, Coconino County, AZ (LC-AZ-02-01-BR)
SHPO-2003-2338 (17945)

Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

Tel & TTY: 602.542.4174
www.azstateparks.com

800.285.3703 from
(520 & 928) area codes

General Fax:
602.542.4180

Director's Office Fax:
602.542.4188

Dear Ms. Miller:

Thank you for consulting with our office pursuant to Section 106 of the National Historic Preservation Act and implementing regulations at 36 CFR 800, and for providing a copy of the supporting survey report titled *A Cultural Resources Survey for the Havasupai Bar Four Project, Coconino County, Arizona* (August 2003). We have reviewed the documentation submitted and our records and have the following comments:

The survey of 825 acres located two newly-recorded archaeological sites [AZ B:14:16(ASM) and AZ BB:14:17(ASM)]. Previously recorded AZ B:14:5(ASM), AZ B:14:13(ASM), AZ B:14:14(ASM), and AZ B:14:15(ASM) were visited and site descriptions and locations updated.

In December 2001, the Bureau of Indian Affairs (BIA) and SHPO determined sites AZ B:14:5(ASM), AZ B:14:14(ASM), and AZ B:14:15(ASM) eligible for inclusion in the National Register of Historic Places (Register) under Criterion D (potential to yield important information.

1. We concur:

   a) AZ B:14:5(ASM), AZ B:14:14(ASM), and AZ B:14:15(ASM) remain Register-eligible under Criterion D.
   b) Although we agree that AZ B:14:14(ASM) may also be Register-eligible under Criterion A, the documentation provided in the report is not sufficient to support that determination.
   c) AZ B:14:13(ASM) is Register-eligible under Criterion D.
   d) AZ B:14:16(ASM) and AZ B:14:17(ASM) each lack potential to yield important information and thus are ineligible for inclusion in the Register.

2. We concur with Reclamation's finding of **no adverse effect** through project design to avoid sites and through implementation of protective measures (fencing and monitoring).

We appreciate your continuing cooperation with our office in complying with the requirements of historic preservation. Please contact me at (602) 542-7142 or by email at jmedley@pr.state.az.us if you have any questions or concerns.

Sincerely,

Jo Anne Medley
Compliance Specialist/Archaeologist
State Historic Preservation Office

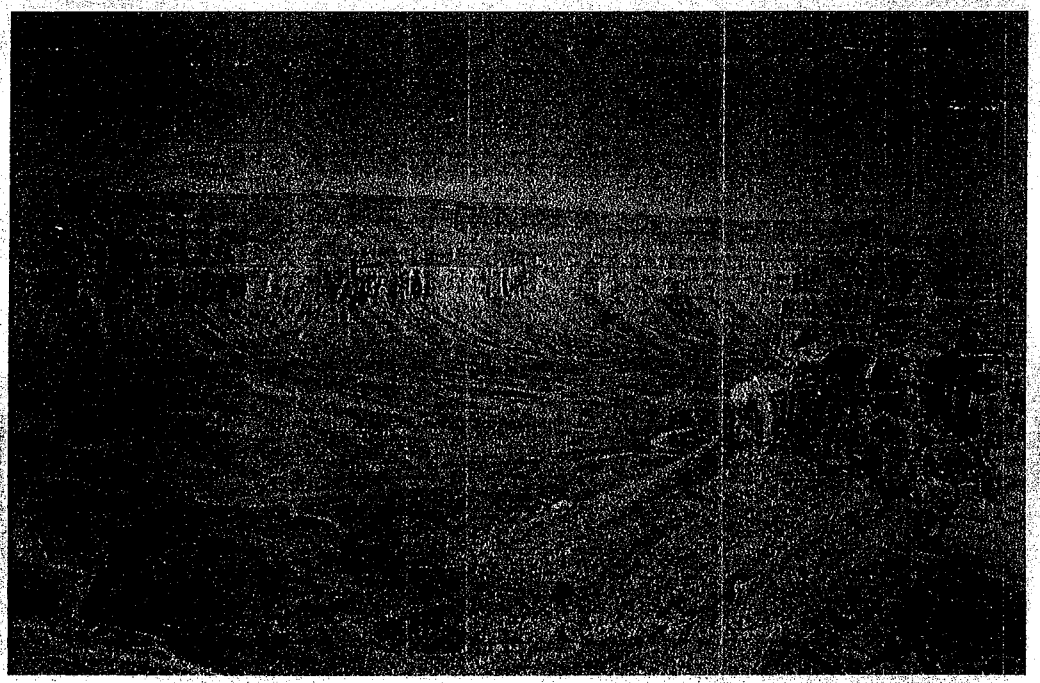
11941-8

FINAL ADMINISTRATIVE DRAFT

ENVIRONMENTAL ASSESSMENT

for

HAVASUPAI BAR FOUR COMMUNITY PROJECT
HAVASUPAI INDIAN RESERVATION, ARIZONA



November 26, 2003

Prepared for

US Bureau of Reclamation
Lower Colorado Region
PO Box 61470
Boulder City, Nevada 89006

Prepared by

Tetra Tech, Inc.
3775 Iris Avenue
Suite 4
Boulder, Colorado 80301

COMMENT TRACKING TABLE

PURPOSE:

The attached diskette will facilitate your review of the Final Administrative Draft EA for the Havasupai Bar Four Community Project. Using this disk will give you and the contractor the following benefits:

1. Expediting the turnaround period between draft documents by
   - standardizing the comment process,
   - allowing the contractor to sort for duplicate comments from multiple commentors, and
   - providing legible and issue specific comments.
2. Ensuring that specific language and facts you provide are incorporated into the document.
3. Providing a means for you to track your comments between successive drafts.

USING THE TABLE:

The table is saved on the disk as both a MS Word document (COMMENT.DOC) and as a Word Perfect document (COMMENT.WP). To open the file, go into your MS Word or WordPerfect program. Insert the diskette into the floppy disk drive. From the OPEN command, select the comment document. The table will appear on your screen and is ready to use. The arrow and TAB keys will move the cursor between cells. Type in each cell normally. The table will self adjust to accommodate your text. To add additional rows, highlight a row and select INSERT from your format menu.

COMMENTING:

For each comment, please fill in the following information under the appropriate column heading:

- Page number on which you are commenting. The page number must include the chapter number followed by a dash and two digit page number (e.g., "2-03" for page three in Chapter 2; "2-30" for page thirty)
- Section number of the report on which you are commenting (e.g., "3.4" or "3.4.1" for subsections)
- Name of commentor (your name)
- Your comment. Please make your comments as specific as possible. Ambiguous comments, such as "What?," "Poor," or "Is this right?," are not helpful to the planning team. Your comments should include any information that would assist in addressing your comment, including new data, contact names, or specific recommended text changes.

Please provide your comments, preferably as an electronic file to:

Eric Watkins
US Bureau of Reclamation
Lower Colorado Region
PO Box 61470
Boulder City, NV 89006-1470
(702) 293-8675
EWatkins@lc.usbr.gov

If you have any questions regarding the table, please contact David Batts at (720) 406-9110.

Tetra Tech, Inc.

FINAL ADMINISTRATIVE DRAFT ENVIRONMENTAL ASSESSMENT

HAVASUPAI BAR 4 COMMUNITY PROJECT

EA No.: 01-LC-020

Prepared for

U.S. Bureau of Reclamation
Lower Colorado Region
P.O. Box 61470
Boulder City, NV 89006-1470

Prepared by

Tetra Tech, Inc.
3775 Iris Avenue, Suite 4
Boulder, Colorado 80301

Applicant

Havasupai Tribe, Supai, Arizona

November 2003

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LIST OF ACRONYMS

Acronym	Full Phrase
AASHTO	American Association of State Highway and Transportation Officials
AC	asphaltic concrete
ACHP	Advisory Council on Historic Preservation
APE	area of potential effect
AUM	animal unit month
AZGF	Arizona Game and Fish Department
BIA	United States Department of the Interior, Bureau of Indian Affairs
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act of 1973
FAA	Federal Aviation Administration
GPD	gallons per day
GPM	gallons per minute
HIP	Housing Improvement Program
HDMS	Arizona's Heritage Data Management System
HUD	Housing and Urban Development
ITA	Indian Trust Asset
ICDBG	Indian Community Development Block Grant Program
IHS	United States Department of Health and Human Services, Indian Health Service
IR	Indian Route
kV	kilovolt (1,000 volts)
MBTA	Migratory Bird Treaty Act of 1918
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act

LIST OF ACRONYMS *(continued)*

Acronym	Full Phrase
NHPA	National Historic Preservation Act of 1966
NRHP	National Register of Historic Places
NRCE	Natural Resources Consulting Engineers, Inc.
O&M	operations and maintenance
PSD	Prevention of Significant Deterioration
Reclamation	United States Department of the Interior, Bureau of Reclamation
RO	Reverse Osmosis
RROF	Notice of Intent to Request Release of Funds
SHPO	State Historic Preservation Office
STEP	Septic Tank Effluent Pumping
TCP	traditional cultural property
TDS	total dissolved solids
US	United States
USFWS	United States Department of the Interior, Fish and Wildlife Service

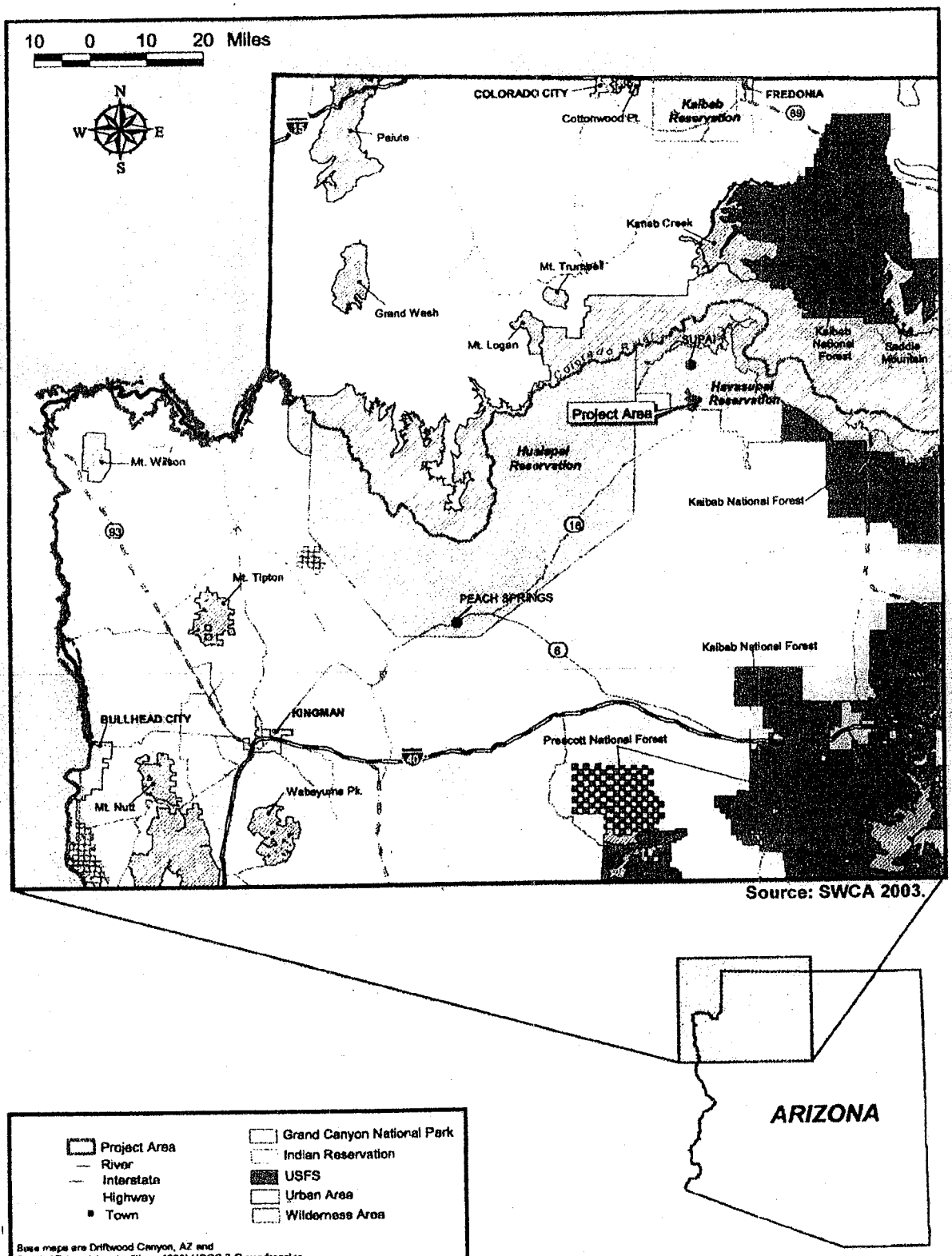
SECTION 1
INTRODUCTION

1.1 INTRODUCTION AND LOCATION

The Havasupai Tribe (Tribe) is proposing to construct a community development in the Bar Four area of the Havasupai Reservation (Reservation) in northern Arizona (Figure 1-1). This section describes the project history, purpose of and need for the action, and provides an overview of the project area. The Havasupai Reservation is located in the canyon lands and surrounding mesas south of the Grand Canyon in Coconino County, Arizona (Figure 1-1). The village of Supai is located on the Reservation within Cataract Canyon which is also known as Havasu Canyon. The village is only accessible by an 8.5 mile pedestrian and equestrian trail and helicopter service which flies two or four days per week dependent on season. The proposed project area is on the mesas along the rims of Cataract and Tunnel Canyons in an area known as "Bar Four" along Indian Route (IR)18 in Sections 22, 23, 26, 27, 34, and 35, Township 32 North, Range 4 West, in reference to the Gila and Salt River Baseline and Meridian. The closest town accessible by automobile is Peach Springs, located within the Hualapai Reservation in Mohave County, approximately 60 miles from the Havasupai Reservation (Figure 1-1).

1.2 PROJECT HISTORY AND PARTICIPATING AGENCIES

In 1882, the United States (US) Government restricted the Havasupai Tribe to 518 acres at the bottom of Cataract Canyon in the village of Supai. The project area of Bar Four and much of the current Reservation was returned to the Tribe in 1976 through the passage of Public Law 93-620. This Act provided for the enlargement of the Havasupai Indian Reservation by 185,000 acres, and it also designated 95,300 contiguous acres of Grand Canyon National Park, as a permanent traditional



Project Location
Havasupai Indian Reservation, Arizona

Tetra Tech, Inc.

Figure 1-1

use area of the Havasupai Tribe. However, the only housing on the Reservation continues to be located in Supai. The Tribe has continued to grow in number. There are currently 667 registered Tribal members, most of whom live on the Reservation. By 1979 the village had reached its capacity to add additional housing. The Tribe has been planning for development of Bar Four since the mid-1980s and has been seeking assistance from multiple federal agencies. A master plan (Sverdrup 1991) was produced in 1991 to address the goal of developing Bar Four, and development plans for the residential and commercial developments have been updated in recent years (UrbanTech 1996, 2001).

Construction of an electrical supply line to Bar Four was funded by a fiscal year 1998 Housing and Urban Development Indian Community Development Block Grant Program (HUD-ICDBG) grant, and an environmental assessment (EA), funded by the Bureau of Indian Affairs (BIA), was completed under 24 CFR Part 58 HUD guidelines in 2002 and updated in 2003. Construction of the approximately 13.6-mile-long line began in September 2003 and will run from the "Long Mesa Turn" near mile marker 43 on IR 18 (just north of the boundary between the Hualapai Reservation and Boquillas Ranch) to the proposed location of the emergency services site at Bar Four on the Havasupai Reservation (Figure 2-1). The initial line will be constructed of steel poles, 34.5-kilovolt capacity (three-phase) wires, guys, and insulators. Construction through culturally sensitive areas will be monitored in late October, and completion is expected in December, with final testing in January 2004 (Entz 2003).

The US Department of the Interior, Bureau of Reclamation (Reclamation) is the lead federal agency in accordance with the National Environmental Policy Act of 1969 (NEPA). Reclamation is also conducting Section 106 consultation under the National Historic Preservation Act (NHPA) with the Arizona State Historic Preservation Office (SHPO). The BIA and the US Department of Health and Human Services, Indian Health Service (IHS) are cooperating agencies in the preparation of this EA. Federal actions under the authority of BIA are the granting of road rights-of-way, granting of permits for utilities located within these rights-of-way, and the expenditure of Federal Highway Trust funds. BIA has assumed responsibility for Section 7 consultation under the Endangered Species Act (ESA) with US Fish and Wildlife Service (USFWS). Federal actions under the authority of IHS are funding of water, sewer, and solid waste facilities for eligible homes. Houses funded solely under HUD are not eligible for IHS funded services. The HUD-ICDBG is also party to development in the project area, providing funding for electric and telecommunications development. Funding is summarized in Table 1-1. This EA analyzes potential environmental and socioeconomic impacts that could result from implementing the proposed action and from taking no action.

Table 1-1
Project Funding Summary

Project Component	Phase I Construction Costs ($)	Funding Agency	Funds Awarded	Construction Shortage/Need ($)
Road Construction				
BIA Routes	809,402	BIA-ROADS	809,402	0
Local Streets	0		0	0
Subtotal Roads	**809,402**		**809,402**	**0**
Water System				
Well [1]	complete	BIA		0
Pump Jack [2]	complete	BIA		0
Water Treatment	69,000			(69,000)
Water Storage	275,000			(275,000)
Distribution Lines	904,000			(904,000)
Subtotal Water	**1,248,000**			**(1,248,000)**
Wastewater System				
Lagoons	146,000			(146,000)
Collection Mains	300,000			(300,000)
Subtotal Wastewater	**446,000**			**(446,000)**
Power & Telephone				
13.5-mile overhead on IR18 [3]	661,984	HUD-ICDBG (FY98)	550,000	(111,984)
Additional Funding		HAVASUPAI TRIBE	111,984	111,984
Connections and Transformers	156,708	HUD-NAHASDA (FY00)	156,708	0
Telephone mini-repeater	219,108	HUD-ICDBG (FY99)	219,108	0
Underground elec & tel to housing	550,000	HUD-ICDBG (FY00)	550,000	0
Local Distribution	66,420			(66,420)
Subtotal Pwr & Tel.	**1,654,220**		**1,587,800**	**(66,420)**
Engineering				
Roads	121,000	BIA-ROADS	121,000	0
Water Only	45,000	USBR	45,000	0

	Project Component	Phase I Construction Costs ($)	Funding Agency	Funds Awarded	Construction Shortage/Need ($)
1		208,220	HUD-NAHASDA (FY03)	208,220	0
2	**Subtotal Engineering**	**374,220**		**374,220**	**0**
3	Water, Wastewater,				
4	Development Plans				
5	Construction Management				
6	(estimated at 15%)				
7	Roads	121,410			(121,410)
8	Water	187,200			(187,200)
9	Wastewater	66,900			(66,900)
10	Power & Telephone	248,133			(248,133)
11	**Subtotal Construction**	**623,643**		**0**	**(623,643)**
12	**Management**				
13					
14	Housing Construction				
	(Phase I - 43 homes)				
	Houses: 5@ 80,000 avg.	400,000	HUD-NAHASDA (FY04)	279,000	(121,000)
17	Houses: 5@ 80,000 avg.	400,000			(400,000)
18	Houses: 5@ 80,000 avg.	400,000			(400,000)
19	Houses: 5@ 80,000 avg.	400,000			(400,000)
20	Houses: 5@ 80,000 avg.	400,000			(400,000)
21	Houses: 5@ 80,000 avg.	400,000			(400,000)
22	Houses: 5@ 80,000 avg.	400,000			(400,000)
23	Houses: 5@ 80,000 avg.	400,000			(400,000)
24	Houses: 3@ 80,000 avg.	240,000			(240,000)
25	**Subtotal Housing**	**3,440,000**		**279,000**	**(3,161,000)**
26	**Construction**				
27	**TOTAL**	**6,092,083**		**2,241,020**	**(3,851,063)**

28 Source: Entz 2003. Notes: [1] Not part of proposed action. Evaluated under a previous EA. [2] Not part of proposed
29 action. No NEPA compliance was necessary. [3] Not part of proposed action. Evaluated under a previous EA.
30
31

32 1.3 PURPOSE OF AND NEED FOR ACTION

35 The Havasupai Bar Four Community Project consists of the construction of residences for Tribal members, the development of supporting commercial or employment opportunities, and the

development of supporting infrastructure. The purpose of the action is to improve the socioeconomic conditions of the Tribe through infrastructure improvements that would provide housing, generate revenue and diversify the economic base through small business development, increase self-sufficiency, and improve quality of life. The action is needed for the following reasons:

- The Tribe's residential area in the village of Supai within Cataract Canyon (Canyon) has been experiencing overcrowding for many years and the village has exceeded its capacity to add additional housing.
- Tribal members with serious medical problems, such as dialysis patients, need quicker access to medical facilities that are not available in the Canyon. IHS runs a clinic in Supai, but it is not sufficient for serious medical needs. The Tribe has at least 42 members with Type II diabetes. The closest dialysis is in Peach Springs, which would require patients to move.
- High School students of the Tribe living in the Canyon currently must stay at a boarding school off the Reservation. Living on Bar Four would enable these teenagers to live at home and be bussed to schools on the nearby Hualapai Reservation.
- Hualapai Hilltop, located at the end of Indian Route IR 18, serves as a staging area and trailhead for residents of Supai and tourists. It provides only primitive services (e.g., pit toilets) and experiences congestion and security problems.
- Small business development is needed to help the Tribe become more self-sufficient and to further alleviate congestion on Hualapai Hilltop.
- Floods in the Canyon threaten the safety and livelihood of the Tribe by having much of their population and most of their assets in a dangerous location.

1.4 Consistency with Plans and Policies

This document has been prepared pursuant to and in accordance with NEPA and Council on Environmental Quality (CEQ) regulations on implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508), and Reclamation, BIA, and IHS NEPA guidelines. This document also assists HUD in complying with 24 CFR 58 (Environmental Criteria and Standards). The project is authorized under Section 102 of Title I of the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2203). The project is consistent with the *Secretarial Land Use Plan for the Addition to the Havasupai Indian Reservation* (BIA 1982) and the Draft Environmental Statement

for the Addition (BIA 1979). Development concepts are consistent with the *Hualapai Hilltop and Bar Four Havasupai Master Plan* (Sverdrup 1991).

SECTION 2
PROPOSED ACTION AND ALTERNATIVES

2.1 NO ACTION ALTERNATIVE

Under the No Action Alternative, existing conditions would continue into the future. No residential or commercial development would be implemented. The village of Supai would continue to be overcrowded. Access to medical care would continue to be difficult and slow to obtain. High school students would continue to live at a boarding school in order to receive an education, and some educated members of the Tribe would continue to leave the Reservation because of lack of employment opportunities, resulting in disintegration of families. Security, safety, and congestion problems would continue at Hualapai Hilltop. Floods would continue to threaten the safety and livelihood of the Tribe because members would continue to occupy houses that are in especially flood prone locations necessitated by crowding. The ability of the Tribe to generate revenue and support themselves would continue to be limited because of infrastructure limitations and a remote, difficult-to-access location.

2.2 PROPOSED ACTION ALTERNATIVE

The proposed action includes the construction of residences for Tribal members, the implementation of economic development, and the reconfiguration of existing facilities on Hualapai Hilltop. Also included in the proposed action is related supporting infrastructure construction including a water delivery system, wastewater system, roads, electrical service, a telephone system, and emergency services. In general, the Proposed Action includes six areas for development (Table 2-1) plus roadways with utility corridors (Figures 2-1, 2-2), all within the Havasupai Reservation. Although the residential and commercial aspects of the proposed action are interdependent and the timetable for constructing each component would likely overlap, construction of the residential area would be started first. Although the potential area of direct effect is about 671 acres, which includes approximately 400

Table 2-1
Approximate Area of Proposed Action Components

Proposed Action Component	Area[1](acres)
Residential Development	381
Hualapai Hilltop	14
Camp Site Terminal	66
Emergency Services Site	10
Tourist Complex	185
Service Complex	15
Total	**671**

[1] Acreage estimates are approximations based on conceptual plans (UrbanTech 1996, 2001). They include the area in which project components would be located. Exact locations of individual infrastructure items are not finalized. Some open space would exist within these boundaries between infrastructure items, especially in the Residential Area and Tourist Complex.

acres of infrastructure footprint, the region of influence is the entire Bar Four area, which is considerably larger. No distinct boundaries exist for Bar Four, but it is approximately 4,400 acres (Figure 1-1).

2.2.1 Water and Wastewater

The following descriptions of proposed water and wastewater systems are based on recommended plans developed by NRCE (2003). The recommended plans were adopted by a Tribal Council resolution on November 19, 2003. The plan may be refined during final design, but any changes would fall within the same footprint analyzed in this EA.

Water Supply and Transmission

The existing Bar Four well is the closest potential supply source for the proposed development (Figure 2-1). The environmental effects of constructing this well were analyzed in a previous EA

(Reclamation 1995). The well is 3,115 feet deep and penetrates the upper 500 to 550 feet of the Redwall-Muav aquifer. Pump test data indicate that the well should be able to maintain a supply of 80 gallons per minute (gpm) or more. Water quality tests indicate that the water is high in total dissolved solids (TDS), sulfate, iron, and magnesium.

To provide reliable service, in the long term, a backup well would likely be necessary. It is anticipated that this well could be drilled along IR 4 north of the residential area (Figure 2-1). A properly constructed well would likely yield at least 100 gpm. The well would be approximately 3,000 feet deep. The formations above the Redwall Limestone, the producing aquifer, would be cased and sealed with 8-inch inner-diameter steel casing to a depth of about 2,610 feet below land surface, grouted at the surface and around its lowest 100 feet. The open hole below the casing would be about 7.75 inches in diameter. If a liner were required due to unstable rock conditions in the limestone, it would be 6-inch inner-diameter or 7-inch outer-diameter slotted casing. There is not sufficient data in the area to indicate any change in water quality at the new location as compared to the poor water quality at the Bar Four well. For this reason, it is assumed that water from the backup well would be treated in the same fashion as water from the main well.

Water Treatment

A review of the water quality data for the Bar Four well indicates that treatment would be required. The water is high in TDS, sulfate, magnesium, and iron. The best technology for treatment is reverse osmosis (RO). RO treatment can take on one of two forms, a community RO treatment system or individual "under the counter" RO units to be installed in each house or building. Community RO treatment would be used on Bar Four. This option would consist of community RO treatment facilities. A preliminary design for a community RO treatment facility has been developed by R&D Specialties. The unit is designed to take 24 gpm of feed water to produce 20 gpm of product water. This corresponds to the current pumping ability at the Bar Four Well and would be sufficient to service approximately 88 houses. Future expansion will be needed as development continues. Trained personnel will be required for maintenance and monitoring. The building used to house the system has been designed to house more equipment than the currently designed system.. Some expansion of the building may be needed as facilities are expanded. Prior to treatment raw water would be stored in an approximately 45,000-gallon tank, which would be ground level and have dimensions of approximately 20 feet in diameter and 15 feet tall (Figure 2-1).

Water Storage

Water storage tanks are to be used to provide equalization and emergency storage. The following section discusses various options for treated water storage. Preliminary evaluation of the required potable water storage shows that approximately 100,000 gallons of treated water storage should be provided for the first major phase of the residential development (Phase I). At full development, approximately 300,000 gallons of treated water storage should be provided with future construction of an additional 200,000 gallon tank. The initial tank would be approximately 30 feet in diameter and 20 feet tall. The tank would sit upon a tower that would need to be between 70 and 100 feet tall, depending upon the exact location of the tank and the maximum elevation within the economic development area to be served with potable water (Figure 2-1). This development is recommended because it allows the Bar Four Development to be served ultimately by two potable water storage tanks. This will make maintenance easier, as one tank can be removed from service without depriving the system of potable water storage. This is an important long-range operation and maintenance (O&M) consideration.

Elevated water storage would be constructed for gravity-driven water distribution. Flown topographic data shows that no hills have sufficient elevation to allow a ground-level tank to provide for a gravity-driven system. As a result, elevated storage would require the use of a tower-type water storage facility. Pumping from the treatment facilities would be necessary to fill the storage tank, but no pumping would be required for the distribution of water. An alternative means of distributing treated water by means of a ground-level storage facility combined with pumping to pressurize the distribution system is also being evaluated and presents an alternative design to the elevated storage tank.

Water Distribution and Facility Locations

Six- and eight-inch lines would be used to distribute water throughout the housing and the economic development areas (Figure 2-1). Water lines would generally follow roads. These are the minimum sizes required to provide adequate fire flows throughout the areas. A small raw water storage tank would be installed to provide flows equalization, into the community RO treatment system. The layout of the distribution lines within the economic development area is not presently well developed because of the lack of a final layout of lots in this area. No facilities would be located near the wellhead. There would be a 4-inch raw water line from the wellhead to the raw water storage tank, water treatment facilities and treated water storage tank. Currently these facilities are envisioned to be located on or near a hill between the residential area and IR 18, as shown in Figure 2-1.

It is assumed that water distribution to the outlying proposed Hualapai Hilltop and campground development areas would be provided by truck, as indicated in the current development plans for these areas (Figure 2-2). The only other options would be to construct a very expensive permanent or a less expensive temporary water line to serve these areas. Neither of these options are currently considered practical because of the anticipated excessive construction and O&M costs, respectively, associated with these options. An additional important advantage of the water truck to provide water for these outlying development areas is that this vehicle would also be available for the Tribe to haul water for Bar Four in the event of a well outage or for fire-fighting purposes.

Wastewater Treatment

The Bar Four development area is characterized by very shallow topsoil conditions. Because soil conditions are not amenable to the construction of individual septic systems within the residential area, lagoon-based systems would be used. In evaporative lagoons, the solids in the wastewater are separated from the fluid by gravity. As the solids settle out of the wastewater, the fluid evaporates. The lagoons would not discharge any flow. They would be lined with an impervious material, such as pvc or similar materials, to prevent contaminants from leaking into groundwater. Aerator pumps would be installed in the lagoons to allow for more efficient evaporation and to reduce odor. Access will be limited by perimeter fencing. To reduce cost of pumping and necessary pipe, the residential and economic developments would have their own lagoon systems. Initial construction of a 1.2-acre (approximately 5 to 6 feet deep) lagoon would serve Phase I of development (Figure 2-1). The lagoons may be expanded as the population grows. For the projected ultimate development of the residential area, two lagoons would be needed with a total area of 3.7 acres. The economic development would also need a lagoon system, which would have an ultimate area of 4.8 acres at full build-out and would most likely be located west of IR 18, north of the Service Complex (Figure 2-1).

Initial construction would involve one lagoon with three cells. The cells would each be 0.4 acres, giving the lagoon a total area of 1.2 acres. The initial 13 houses proposed would require 0.4 acres of lagoon, allowing cells to be shut-down for cleaning while allowing enough lagoon area to serve the development during shut-down. In six years, Phase I would consist of 43 homes. These 43 homes would require a 1.2-acre lagoon. The lagoon built in initial construction would have adequate capacity to serve these homes, but it is recommended that more cells be added at the completion of Phase I to allow for shutdown of cells. Shutting down a cell allows all the fluids to evaporate and the settled solids to dry. When the solids dry, they are disposed of by placing them in a solid waste facility.

Wastewater Collection

Wastewater service would be required for the residential and economic developments. The design of a collection system for the economic development area is not currently possible because of the lack of a detailed layout of the planned development. The following discusses the collection system for the residential area only.

A grinder pump system would be used, which is similar to a septic tank effluent pumping (STEP) system. Instead of flowing from the house to a septic tank, wastewater in a grinder pump system flows from the house to a small pump vault. The wastewater is then pumped into the collection system by a grinder pump which reduces solids to a size that will prevent any clogging in the collection system. As with a STEP system, the wastewater may be pumped by small pumps wherever necessary before dropping back into the gravity system and pipe depths may be as shallow as 4 feet because there is no need for gravity flow from lots to the system. Pipe diameters may range from 4 to 8 inches. The layout is the same as it would be for a STEP system. Pipelines follow the road with the exception of the exit from the neighborhood to the lagoons (Figure 2-1). As with a STEP system, pipelines do not require large pumping stations to pump wastewater uphill, and these pumping stations are less expensive then the amount of pipeline needed to avoid uphill areas.

The collection system would take the wastewater from the neighborhood to the evaporative lagoons. The lagoons would be used to treat the wastewater. The solids in the wastewater would be removed by settling in the lagoons. As the solids settle, the fluid would evaporate, and no effluent released into the environment. By shutting down some cells, the fluid would be allowed to completely evaporate and any solid build up, known as sludge, will dry and my be disposed of. Aerators would be used on the lagoon surface to provide added evaporation and ruction of odor.

Summary of Water and Wastewater Systems

In summary, the Bar Four well would be used as the water supply for the Bar Four residential and economic developments (Figure 2-1). A new well would likely need to be drilled in the future to serve as a backup. The water would be pumped from the well into the raw water storage tank, which would be used as equalization for the water treatment facilities. The water would flow from the well to the storage tank in a 4-inch raw water line. This line would be laid through the residential area and may be used as a raw water supply for the residential area. The water would be treated by community

RO treatment facilities. The water would leave the treatment facilities and be pumped into an elevated storage tank. The water would be distributed by gravity to the residential and economic development.

The wastewater would flow by gravity from each building into a small pump vault. And then pumped int o the collection system by a grinder pump which reduces the size of solids.. The collection system would take the wastewater from the neighborhood to the evaporative lagoons. The lagoons would be used to treat the wastewater.

2.2.2 Roads

The existing site access road (IR 5), running northeast from IR 18, would be upgraded (Figure 2-1). IR 5 is currently an unimproved single-lane dirt road from IR 18 to the heliport. Beyond the heliport, IR 5 becomes a rocky two-track road that proceeds north to Panya Point. Approximately 1.5 miles northeast of IR 18, an existing two-track road forks off to the right from IR 5 and proceeds eastward approximately 1.5 miles to the Bar Four well site.

Road alignments are currently conceptual, but the approximate location and a generalized roadway template for the proposed upgraded roads are known (Figure 2-1). IR 5 would be re-aligned at the fork and assume the general alignment of the two-track road, continuing all the way to the Bar Four well site. That portion of IR 5 from the fork north to Panya Point would be renamed as IR 4. The housing access streets radiating from IR 4 and IR 5 would be designated as IR 501 (Figure 2-1). IR 5 and that portion of IR 4 within the development area would be upgraded to minimum federal design standards for a rural collector road as prescribed in *A Policy on Geometric Design of Highways and Streets* (American Association of State Highway and Transportation Officials [AASHTO] 2001). This would likely consist of a 24-foot wide road to include 10-foot travel lanes and two-foot outside shoulders. The current proposed (funded) surface treatment is a gravel base course. Other surface treatment options, should funding become available or, as programmed future road improvement projects, would be to apply a prime and double chip-seal surface or, a two-inch asphaltic concrete (AC) surface. IR 501 (residential streets) would be constructed as outlined in *Road Construction Guidelines for HUD Subsidized Indian Housing Projects* (BIA 1992). A contract for road design was executed in late 2001, and design details are expected to be available for analysis in early 2002. All roadways would be signed and striped as appropriate, drainage structures would be installed where necessary, and disturbed areas would be seeded with a native seed mix. Borrow material for use in road construction would be obtained from the proposed Camp Site Terminal

location. This site has previously been used as both a borrow pit and a solid waste transfer station (Figure 2-2).

2.2.3 Residential Development

The residential community for Tribal members would be built in conjunction with the commercial development (Entz 2003). This community would be constructed within a 381-acre parcel on Bar Four located to the east of IR 18 along an existing two-track road (IR 5) and adjacent to Tunnel Canyon approximately one mile north of the southern Reservation boundary (UrbanTech 2001) (Figure 2-1). This project would be built in phases and include senior housing, duplexes and quads, community facilities, park/community center, open space, and 90 to 120 housing units. The phased approach would include roads, water, wastewater, power, and telephone service for 13 initial houses as described in Sections 2.1.1, 2.1.2, and 2.1.3. After this initial development, there would likely be another five houses built each year for six years. These 43 houses are considered "Phase I." The population of the community would be approximately 120 at completion of Phase I. When the full development of this community is complete, the population would be approximately 330. Design of the structures and associated landscaping have not been completed. Medical services would likely be included as part of the community facilities once enough residences are occupied to justify implementation. Public lighting would be limited to security lights, with no traditional street lights to minimize light pollution (Entz 2001). Houses in the most flood-prone locations in Supai would be abandoned when enough houses were completed on Bar Four to reduce crowding in order to reduce the danger of flooding.

2.2.4 Commercial Development

Commercial development would likely proceed approximately simultaneously with residential development to provide employment for residents. Existing employment is located in Supai, which is only accessible by helicopter or trail or in the town of Peach Springs, which is 60 miles away. Planning for this development phase is conceptual at this point. However, the largest potential footprints and the outer limits for location of these developments have been established. Descriptions of the proposed commercial development are based largely on UrbanTech (1996, 2001) and Entz (2001). The commercial development includes the Hualapai Hilltop, Camp Site Terminal, and the Tourist and Service Complexes.

Hualapai Hilltop Improvements and Reconfiguration

Hualapai Hilltop would be reconfigured and improved to relieve problems associated with overuse and to provide more comforts to visitors (Figure 2-2). All redevelopment would occur on previously disturbed land. Permanent corral facilities would be constructed to replace the current temporary configuration. The parking lot would be reconfigured and improved to include handicapped parking closest to other facilities. The entire parking area would be repaved and restriped and directional signs would be installed to improve efficiency and safety of automobile and foot traffic movements. Night lighting would be installed to improve safety. A tourist entry station would be constructed to serve those immediately descending into the Canyon or to mobility-impaired visitors. All other visitors would be directed to use the shuttle system from the Camp Site Terminal to access Hualapai Hilltop for sightseeing. A waiting station would be constructed and would include shade structures to shelter tourists waiting for backpacking, trail riding, or helicopter rides. View stations and associated interpretative signs would be constructed to enhance viewing of the Canyon and improve safety for visitors at cliff edges. Bathroom facilities would be upgraded from portable vault toilets to self-composting toilets. In addition, the existing heliport would be reconfigured to address current safety and Federal Aviation Administration concerns. It would be moved to the shelf between its current location and IR18 where water tanks currently sit. The two water tanks and three building that are currently located adjacent to the heliport would be removed. The buildings are currently in a dilapidated condition and are partially used for livestock feed storage and stables. Overhead wires would also be removed, which have been identified as a hazard to helicopters. A new water tank would be installed on the hilltop, and would likely be filled by a 2,000-gallon-capacity truck to avoid excessive expense in running water lines to the site.

Camp Site Terminal

An area previously used as a solid waste transfer station would be developed into the "Camp Site Terminal" approximately 33 acres in size (Figure 2-2). Substantial portions of this site have previously been graded, and an existing 0.4-mile-long dirt road traverses between two hills west of and perpendicular to IR 18. A parking lot consisting of approximately 140 spaces would be constructed adjacent to the west side of IR18 and possibly on the east side of the road. The parking would be used to supplement parking at Hualapai Hilltop to provide adequate parking for the number of visitors who access the trailhead to Supai, thus reducing congestion on the hilltop. A shuttle system would be implemented to transport visitors from the Camp Site Terminal to Hulapai Hilltop. A tourist waiting station, and self-composting toilets would be constructed adjacent to the parking lot.

A campground would be constructed consisting of approximately 20 primitive sites, each with a permanent fire grill. Five water stand pipes would be installed, each serving four campsites. The campsites would be located along the sides of the existing dirt road. The configuration of the meandering dirt road between two hillsides would allow for the campsites to be outside of the viewshed of IR 18. A 10,000-gallon water tank would be located at the end of this service road to supply water to the campground and waiting station restrooms. This tank would likely be serviced by truck, as described for Hualapai Hilltop.

This area would also be used as a borrow site for road construction, and removal of borrow material may be coupled with sculpting campsites along the hills (Figure 2-2).

Tourist and Service Complex

A "Tourist and Service Complex" would be built immediately adjacent to the southern Reservation boundary along IR 18 (Figure 2-1). The site consists of relatively flat ground that gradually slopes toward the edges of the adjacent bluffs. This site was chosen for the location of the major facilities so that camping and tourist permits could be issued upon entry. The entering functions are located on the east side of the road (the right side upon entering). Exiting functions (e.g., gas, convenience store) are located on the west side of the road, which is the right side of the road upon exiting. This configuration minimizes left-hand turns and reduces the potential for traffic conflicts. This configuration is consistent with what was previously identified in the Tribe's comprehensive plans for a future tourist complex (Sverdrup 1991). The complex would be divided into two major components. One component would contain the tourism and entertainment facilities, while the other would contain supporting service-oriented facilities.

Tourist Complex

The primary tourism and entertainment features would be located on the east side of IR 18. One of the objectives for this complex is to encourage moderate-length stays of two to three days with day trips to Supai. Achieving this objective would likely reduce trail impacts and congestion at Hualapai Hilltop. This would be achieved via construction of parking, use of a shuttle system, and construction of a variety of overnight accommodation facilities. The Tourist Complex would be approximately 100 acres in size.

A recreational vehicle (RV) park would be constructed. This park would consist of 100 spaces with water and electric hookups and a holding tank dump station (Figure 2-1). Adjacent to the RV park would be a 50-space campground with stand pipe water service supply. A lodge would be constructed on a bluff overlooking Tunnel Canyon. The proposed location would be central to the east, north, and south rims of the mesa so that it could not be seen from within the canyon. The lodge would be built as two two-story wings with a maximum of 100 rooms at full build-out. Only one wing would be completed in the first phase. The design of the lodge is currently conceptual. Tentatively, it would be designed in a hunting lodge style with interior loaded rooms (central corridor rather than exterior doors for each room). The exterior of the lodge would likely be constructed with native stone to help blend into surroundings. The room wings would likely be stepped toward the ends to blend into the shape of the mesa.

The area would also contain a restaurant, model village and an interpretive trail (Figure 2-1). The interpretive trail would serve three purposes. First, the trail would provide a relatively level, scenic overview of the canyon rim for those guests who do not wish to use the relatively difficult Hualapai Hilltop trail to Supai. Second, a spur from this trail would extend into Tunnel Canyon and join with the existing Supai trail. This provides an alternative access for hikers to Supai. Third, the trail is part of an overall "Rim Ride" system providing a variety of eco-tourism activities, including guided tours, and equestrian activities.

Service Complex

The west side of IR 18 across from the Tourist Complex would be developed with service-oriented infrastructure that compliments the Tourist Complex (Figure 2-1). A water tank, solid waste transfer station, corrals and stables, maintenance shed, repair facilities, and associated infrastructure would be located here. A gas station/convenience store, mini-storage, and heliport would also be located in this area. The grouping of these facilities together and away from the tourist facilities would minimizes noise, odor, and visual clutter from the overnight tourist facilities. It would also concentrate all utilities and services in a single area, minimizing maintenance and operations expenses. Solid waste would be transported to an existing facility likely near Kingman or Seligman.

2.2.5 Emergency Services Site

A BIA emergency services site would be constructed on approximately 10 acres along the access road between IR 18 and the proposed residential community. A portion of the proposed facility already exists in the form of a fenced cement helicopter pad, trailer, and propane tank and is under a

lease from the Havasupai Tribe to the BIA. Only conceptual planning of this site has been developed to date. The facility would potentially contain police and fire services with the initial use being security services until houses are constructed. (Entz 2003).

2.2.6 Communications

A "mini-repeater" microwave tower would be constructed on Bar Four to enable telephone service in the residential area. Underground telephone lines would connect the min-repeater to the residential area. The exact location has not yet been selected, but it would be within the project footprint assessed in this EA. Criteria for selection of a location include an area that offers a line of sight signal to the main repeater at Long Mesa, is not environmentally or culturally sensitive, does not create any safety hazards to helicopter flight and other visitor activities, and does not excessively spoil views. Environmental documentation (e.g., cultural survey and coordination) would be conducted as appropriate. Supplemental NEPA analysis tiered to this EA may be necessary for this tower dependent on the selected location and size of the tower.

2.2.7 Electrical Power

The 13.6-mile electrical line to the location of the proposed emergency services site, as described in Section 1.2, is currently under construction and covered under a separate EA. Underground electric is funded from the end of this line to the housing area and would be installed in the same trench with telephone service. The road would be developed on an elevated bed with telephone and electric placed in conduits under the roadbed to avoid both rock and cultural resources.

2.2.8 Conservation Measures

In order to avoid, minimize, and offset environmental impacts, the following conservation measures will be implemented as design features of the proposed project if it is implemented:

Air Quality

- Construction crews will be educated regarding measures that can reduce or minimize emissions, including operation of motor vehicles to minimize emissions and suppress dust.

- All active construction areas with be watered with enough frequency (at least once per

day) to limit visible dust emissions. Gravel and other approved dust suppressants may also be used.

- All disturbed areas of the construction site, including storage piles, that are not being actively used for a period of seven days or more will be stabilized using an approved soil stabilization method. Where soil moisture or natural crusting is sufficient to limit visible dust emissions, no action is required.

- All unpaved access roads and staging areas at construction sites will be watered, or approved soil stabilizers (palatives) will be applied.

- Dust-producing activities will be suspended when high winds create construction-induced visible dust plumes moving beyond the site in spite of dust control measures.

- Paved access aprons, gravel strips, wheel washes, or other control measures designed to limit mud and dirt from being tracked out on to paved public roads will be used. Accumulated mud or dirt deposited onto public adjacent paved roads will be cleaned up at the end of the workday, or at a minimum of once every 24 hours. The use of blower devices and dry rotary brushes for removal of deposited mud or dirt carry-out will be prohibited.

- All trucks hauling soil and other loose material will be covered, or have at least six inches of freeboard space from the top of the transport container. Material being transported may be wetted to a moisture content sufficient to limit visible dust emissions.

- Aerators will be used to reduce odors in lagoons.

Vegetation, Soil, Water

Vegetation disturbance outside of immediate construction areas will be avoided to the extent possible. Only areas slated for immediate construction will be cleared and grubbed thus minimizing the acreage of bare ground at any one time. Locations which are temporarily disturbed by construction will be planted with vegetation native to the Bar Four area as soon as possible after construction. In compliance with National Pollutant Discharge Elimination System (NPDES) regulations, if seeding is not completed within 14 days, than the ground will be stabilized with mulch or other suitable material.

Drainage systems will be designed to prevent focusing large quantities of runoff onto erodible soils. Vegetation used for landscaping the finished projects will be predominantly native with nonnatives limited to small lawns in shared community areas in the residential area. In compliance with Executive Order 13112 regarding noxious weeds, all earth-moving and hauling equipment will be washed at the contractor's storage facility prior to arriving on the construction site to prevent the introduction of noxious weed seed. This equipment will also be washed prior to leaving the construction site to prevent noxious weed seeds from leaving the site. Lagoons will contain an impermeable liner to prevent leakage of waste into groundwater. No jurisdictional waters of the United States exist within the proposed footprint of construction. If locations of infrastructure are moved within the area covered by this EA, and possible jurisdictional waters are discovered, such as dry washes, the US Army Corps of Engineers (USACE) will be contacted. No construction will take place in or immediately adjacent to the suspected jurisdictional water until USACE has either confirmed that the area is not jurisdictional or issued a Section 404 permit covering the water.

Special Status Species

To the extent possible, vegetation removal activities, such as grading, would be scheduled between late summer and early spring to avoid the breeding season of most bird species and minimize the potential for impacts to species protected under the Migratory Bird Treaty Act. The "taking" of any species, as respectively defined by the Endangered Species Act and Migratory Bird Treaty Act, is prohibited. A qualified biologist shall survey areas to be cleared for the presence of protected species, and shall monitor construction as necessary.

Cultural Resources

A qualified archaeologist will monitor construction in the vicinity of sites that are determined eligible for listing on the National Register of Historic Places and in areas where there is a chance that intact and significant resources could be discovered. Should any property or human remains be discovered, all ground disturbing activities in the area of the resource shall stop immediately.

Indian Trust Assets

Roads and borrow areas will be placed away from known resources and borrow pit excavation will be monitored to ensure that buried resources are not inadvertently affected. Reclamation will coordinate with the affected Indian tribe or individuals to avoid and mitigate adverse effects.

Visual Resources

Visually unattractive infrastructure will be located in less visible locations whenever possible. This includes locating the lagoons in swales, the Service Complex on the other side of IR 18 from the Tourist Complex, and locating the cellular phone tower in the least visually objectionable location possible within engineering constraints. Wiring at Hualapai Hilltop would be buried. Outdoor lighting will be limited to safety lighting. Campsites would be largely obscured from view by hills. Buildings and other infrastructure would be finished in earth tone colors that blend in with their surroundings with the exception of any safety features requiring greater visibility.

Hazardous and Solid Waste

A hazard assessment, including a hazardous materials survey, of the buildings on Hualapai Hilltop will be conducted prior to demolition. If any hazardous substances are found in the buildings, demolition procedures will follow any recommendations provided in the assessment. Underground fuel storage tanks will meet federal underground storage tank requirements (40 CFR 280). The construction contractor will prepare and implement a spill prevention and response plan. A stormwater pollution prevention plan will be prepared for the project.

Wildlife

Measures described under "vegetation" and "special status species" would reduce impacts to wildlife.

Recreation

Measures described under "vegetation" and "visual resources" would minimize the presence of unattractive features in recreational areas.

Future Actions

Portions of the proposed action, especially those where design details or funding are not currently available, may require further documentation to comply with NEPA and other laws and regulations to supplement this EA.

2.3 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM FURTHER ANALYSIS

Alternative locations for residential and commercial developments and their associated utilities were eliminated because:

- Further development of Cataract Canyon is not possible due to lack of space and resources;
- The *Secretarial Land Use Plan for the Addition to the Havasupai Indian Reservation* (BIA 1982) identifies a short list of acceptable locations for development within the Reservation; and
- The *Haulapai Hilltop and Bar Four Havasuapai Master Plan* (Sverdrup 1991) established the Bar Four area as the sole currently accessible location for additional development of the Reservation.

MEC SOF Exh 51

Robert McNichols
03/15/01 10:07 AM

To: <krs@krsaline.com>

cc: marm@KRSASERVER01.KRSA.com

cc: <RobertMcNichols@bia.gov>, "Mark S. Mitchell" <marm@KRSASERVER01.KRSA.com>

Subject: RE: Mohave Electric Cooperative Meeting

☐ Return receipt

Thanks Ken. Yes, the meeting is moved to Monday, March 26 at 9:00 a.m. I will discuss with Mark. In addition to options for energy supply to Nelson Substation, I need a ballpark guess on the following:

Mark: You are out of the office today, so thought I would try an e:mail.

How many residences can be added to the existing 24.9 kv line without major upgrades? To what extent can the electricity available at Nelson substation support additional users on the 24.9 kv line. To what extent can upgrades increase power delivery on that line? I understand that the line can be stepped-up with transformers to add additional users, but the cost of installation might be high.

What would "risk" insurance cost for the 70 mile line - not for routine maintenance, but for major disasters like floods, fires, earthquakes? Line Replacement for major incidents?

What should the annual cost of routine operation and maintenance cost for the 70-mile line per year?

Thanks. Bob

"Kenneth R. Saline" <krs@krsaline.com>

"Kenneth R. Saline" <krs@krsaline.com>
03/10/01 04:20 PM
Please respond to krs

To: <RobertMcNichols@bia.gov>

cc: "Mark S. Mitchell" <marm@KRSASERVER01.KRSA.com>

Subject: RE: Mohave Electric Cooperative Meeting

☐ Return receipt

Bob, Mark has been keeping me informed and I have been helping him develop the options. I needed him to be accessable to you, since my schedule went to crap lately. I had the 23rd on my schedule and am assuming the meeting is moved to the 26th? The 26th also works. I look forward to working through the details with the BIA and will confirm with Mark on his calendar, as I would like him to also attend. Thanks Ken

-----Original Message-----
From: RobertMcNichols@bia.gov [mailto:RobertMcNichols@bia.gov]
Sent: Saturday, March 10, 2001 11:37 AM
To: krs@krsaline.com
Subject: Mohave Electric Cooperative Meeting

Ken: We have an internal BIA meeting to discuss the Mohave Electric lawsuit in Phoenix on Monday, March 26 at 9:00 a.m. It will be held in the

12th Floor Conference Room, BIA, Two Arizona Center. Will you be able to attend the first 30 minutes - 1 hour?

We can not include you in our settlement meeting. I would like for you to present our options for future development of electric, other than MEC, in the future. Your discussion could include the following:

1) BIA take over ownership of 70-mile line and O&M it thru contract to MEC, APS, Citizens Utilities, etc.

2) BIA take over ownership of 70-mile line and O&M it thru contract to MEC, APS, Citizens Utilities, etc. and also take ownership interest in the MEC distribution line from the WAPA Round Valley Substation to the Nelson Substation.

3) CRSP Power Contract considerations

4) Hualapai / Havasupai or some other entity forming an electric utility

5) Hualapai negotiating a substation off the Dineh' Transmission Line as a condition of granting Right-of-way.

6) other?

We would have to cover all this in about 20-30 minutes max, but mainly to make the point that we don't want a long-term contract with MEC.

Let me know if you will be able to attend. Thanks. Bob

Ralph Esquerra
03/12/01 08:25 AM

To: Robert McNichols/PHOENIX/BIA/DOI@BIA
cc: Charles Thomas/PHOENIX/BIA/DOI@BIA
Subject: Re: MEC Settlement

☐ Return receipt

Yes. Chuck can attend the meeting on my behalf.

Robert McNichols

Robert McNichols
03/10/01 10:56 AM

To: Ralph Esquerra/PHOENIX/BIA/DOI@BIA
cc:
Subject: MEC Settlement

☐ Return receipt

If you are not going to be available on Monday, March 26 at 9:00 a.m. for the internal meeting re: MEC, would it be possible for Chuch Thomas to attend in your place? We really need Facilities representation. Thanks. Bob